

**Probation Services Task Force
Roundtable Discussion Notes
Chief Probation Officers of California Meeting
March 14, 2001
Sacramento, CA**

Task Force Members/Staff:

Alan Crogan, William Davidson, John Rhoads, Michael Roddy, Audrey Evje, Elizabeth Howard, Rubin Lopez, Maureen O'Neil

Approximate No. of Participants: 48

Suggested Discussion Topics

- *Role of/performance of probation*
- *Relationships between stakeholders*
- *Innovative programs*
- *Appointment/Evaluation/Removal of CPO*
- *Changes due to Trial Court Funding*

General Themes

- *CPOs answer to many masters*
- *Little money available for adult supervision and services*
- *CPOs spend lot of time chasing dollars*
- *No consensus on whether to stay with county or move to courts*

Chief Probation Officer

- Question – were comments recorded in San Diego? (yes)

CPO

- Question – will caseload size be addressed by the PSTF?
- CPOs pulled in two different directions
 - Judges' demands for more supervision don't meet the desires of the BOS, who do not allocate enough resources
 - Has had to answer to many masters for many years (BOS and judges); has a good relationship with most of them
- Small county – has more than 480 felons on his caseload
 - Prop 36 will mean he will receive funding to supervise misdemeanor drug offenders but no money to supervise serious felons – this doesn't make sense to him.

CPO

- Trial Court Funding was a significant change that will continue to affect probation in the future

- Separation will create funding problems since the BOS funds probation but does not have as much control over CPOs as they'd like.
- Pleased that PSTF was formed and is examining these issues
- A statewide system in which only one funding source exists may be an improvement in terms of consistency
- Negative aspects of TCF model: scope of probation services would have to narrow

CPO (retired)

- Sees greater distinction between the courts and county administrations in the future due to TCF
- Sources of funding are complicated and “braided” (money comes from TANF, Title IV, Social Services, Prop 172)
 - Not much money from the General Fund
 - No money comes from courts, even though POs carry out their orders
 - Funding stream complicated because probation offers such a wide array of services
- Little money available for adult system
- Leans toward Trial Court Funding as base for funding
- CPOs have to be creative, and spend a great deal of time chasing dollars
 - Compete for grants with each other
- As the courts separate from the county, probation has been caught in the crosshairs
 - Judges haven't been interested in CPO's duties, but have been more interested recently

CPO

- Works for many masters
- Has a good working relationship with judges
- Has seen 5 BOS members come and go in 4 years – there are a lot of political hurdles to overcome with the BOS
- Judges know far more about the day-to-day operation of his department than the BOS.

- Wants to be with the courts

CPO

- Probation is “whipsawed” by being in the middle of the counties and the courts
 - Many demands/mandates from judiciary, county, and CAO
 - Recommends listing all of probation’s mandates and following funding trails, because these factors are critical to the creation of manageable caseloads.
- Is concerned that judges may be unaccustomed to negotiating (a skill required in administration); if probation moves under the courts, she would like the Judicial Council to provide management and administrative training for judges.

CPO

- Will legislative bills that address the appointment of the CPO be placed on hold while the PSTF works on its report?

Mike Roddy

- They should be placed on hold.

CPO

- If the economy worsens, so will the problem of probation serving two masters; the number of services offered will decrease as well.
- Wants the appointment of the CPO to remain with the court with the approval of the BOS
- The public is slowly becoming aware of probation’s work with the passage of initiatives like the 3-strikes law; it will reflect poorly on probation and on the courts when the public learns that thousands of unsupervised felons are in California

CPO

- California should look at the Arizona model in terms of a model of appointment and money flow since it provides consistency throughout the state – probation is funded by the state and the CPO is appointed by the superior courts

CPO

- Probation is a function of the county, but he believes that CPOs should be appointed by the judiciary
- Would like to remain with the judiciary

- More than anything, wants probation to have integrity and a guaranteed level of service and supervision regardless of the county in which a probationer is located.

CPO

- Has the governor and the legislature been supportive of moving probation to the state funding model?

Mike Roddy

- The issue hasn't been raised with the governor or legislature yet – they are waiting to hear the PSTF's recommendations and then will look at the costs involved.

CPO

- The issue of facilities should be considered by the PSTF

CPO

- Supports local control of probation with judicial appointment of CPOs
- Is sure that a nexus exists between courthouse construction and who will appoint CPOs

CPO

- Are there issues other than the funding issue?

Rubin Lopez, CSAC

- Friction over appointment authority has been present for a long time; CSAC is looking for a solution that will satisfy all parties involved.

CPO

- Judges' orders have a financial impact (e.g. the case in which the firing of a CPO by a PJ caused a lawsuit to be brought against the county)

CPO

- Being in a small county, he is able to provide supervision to all clients
- Unfortunate that there are no services for adult felony probationers, since probation can work if enough funding and supervision are provided
 - Thinks it is a shame that the level of supervision in the state is so poor
- Mariposa BOS is supportive
- Need to improve system so that CPOs don't have to beg for funding.

CPO

- What will happen when the PSTF has completed its charge? How will change occur?

Mike Roddy

- The PSTF will present a report to the Chief Justice and CSAC
- Hopes that the recommendations will be acted upon; believes that the Chief and CSAC are dedicated to solving this problem.

CPO

- Should be careful that you might get what you ask for
 - Any effort to solve this problem will be expensive
- It will become apparent to the public that adult probationers have not been getting sufficient services

CPO

- What is Mike Roddy's perspective?

Mike Roddy

- Working for two masters is problematic and uncomfortable
- The panacea is not found in trial court funding – many of his colleagues believe that TCF has been detrimental to local control
 - But TCF has provided more stability to the courts
- Not sure that courts' overseeing probation is the best solution since this will create an expectation of rapid change and improvement in probation.

CPO

- There are two sides to the appointment issue: appointment of the CPO and termination of the CPO
- Services that need to be addressed/need improvement:
 - Crowding
 - DMC
 - Lack of programs for girls

- Lack of adult supervision – almost all counties are experiencing this problem
 - BOS funds juvenile programs rather than adult programs

CPO

- People have mentioned the high costs of placing probation under the courts, but we need to consider the loss of manpower and time spent chasing dollars and grants
- A state system could end up saving a lot of money in the long-run.

CPO

- In response to Santa Cruz's CPO's comments, thinks that the scope of probation services need to be narrowed. People hold unrealistic expectations regarding probation's ability to provide a great deal of services.
 - Need to mainly focus on court issues and supervision of probationers
 - Let the county assume costs of services probation provides, or give money for services to CBOs
 - Thinks CBOs are better suited to provide services than probation officers

CPO

- Predicts the status quo; thinks probation will report to both the BOS and the court but the system will become statutory.
 - Thinks that probation should move either entirely to the BOS or to the courts.
- Doesn't think that workload standards can be created under the county model, due to individual funding streams.
- Wants a quasi-state agency under the court system to be in charge of probation.
- Most probation departments are funded 50-70% by external sources (TANF, grants, etc.)
 - Doesn't think court administration of probation would be that expensive, if only responsibility for court-related aspects of probation are shifted to the courts.
- Wants to shift to TCF model.

CPO

- Hopes that the significant statutory role of each county's Juvenile Justice Commission in the appointment of the CPO is not ignored by the PSTF.

CPO

- Spends a great deal of time defining “probation” and “parole” to legislators; what will happen if probation becomes a state agency – will it be incorporated into parole?

CPO

- Hopes the work of the PSTF will be a reality check for the courts. Thinks that the courts will realize that probation does work for the courts, and hopes that the courts will stand behind probation.

CPO

- Are juvenile institutions part of the PSTF’s focus?

Mike Roddy

- Yes

CPO

- Has there been talk of breaking up probation (i.e. assigning a portion of probation services to the courts, and part to the BOS)? Breaking up adult and juvenile probation?

Mike Roddy

- Those issues are on the list of things to consider in the PSTF’s report.